

08 CV 3255

CLOSED

**U.S. District Court
Eastern District of Virginia (Norfolk)
CIVIL DOCKET FOR CASE #: 2:07-cv-00062-JBF-TEM
Internal Use Only**

Chapman v. Universal Motown Records Group et al
Assigned to: District Judge Jerome B. Friedman
Referred to: Magistrate Judge Tommy E. Miller
Cause: 17:501 Copyright Infringement

Date Filed: 02/15/2007
Date Terminated: 03/27/2008
Jury Demand: None
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff**Christopher S. Chapman**

represented by **Duncan Glover Byers**
Law Offices of Duncan G Byers
355 Crawford St
Suite 720
Portsmouth, VA 23704
(757) 397-9923
Fax: (757) 397-9925
Email: duncan.byers@byers-ip.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Universal Motown Records Group**

represented by **Amy Lynn Tenney**
Jenner & Block LLP
601 13th St NW
Suite 1200 S
Washington, DC 20005
(202) 639-6000
Email: atennay@jennncr.com
TERMINATED: 01/25/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Edgar Copley
Sonnenschein Nath & Rosenthal LLP
1301 K Street, N.W.
Suite 600, East Tower
Washington, DC 20005
(202) 408-6400
ATTORNEY TO BE NOTICED

Defendant

Joseph Cartagena
"Fat Joe" and "Terror Squad"

represented by **William Edgar Copley**
(See above for address)
LEAD ATTORNEY

| Date Filed | # | Docket Text |
|------------|--------------------|---|
| 02/09/2007 | 3 | Proposed Complaint by Christopher S. Chapman, received.(ccav,) (Entered: 02/13/2007) |
| 02/09/2007 | 31 | MOTION for Leave to Proceed in forma pauperis by Christopher S. Chapman. (ecav,) (Entered: 02/13/2007) |
| 02/15/2007 | 32 | ORDER granting 1 Motion for Leave to Proceed in forma pauperis. Signed by Judge Jerome B. Friedman on 2/15/07 and filed 2/15/07. Copies mailed 2/16/07. (ecav,) (Entered: 02/20/2007) |
| 02/16/2007 | 33 | COMPLAINT against Universal Mowtown Records Group, Joseph Cartagena (IFP granted), filed by Christopher S. Chapman.(ccav,) (Entered: 02/20/2007) |
| 02/16/2007 | 34 | Summons Issued as to Universal Mowtown Records Group, Joseph Cartagena, with Magistrate Consent and Judges' information, and delivered to U.S. Marshal for service. (ecav,) (Entered: 02/20/2007) |
| 02/20/2007 | 35 | (Court only) Suspense due by 6/18/2007. (abatement) (ccav,) (Entered: 02/20/2007) |
| 02/20/2007 | 36 | (Court only) ***Staff notes: Copy of Magistrate Consent with Judges' information, along with IFP Order mailed to Pro Se Plaintiff on 2/16/07. (ecav,) (Entered: 02/20/2007) |
| 04/09/2007 | 37 | Summons Returned Unexecuted by Christopher S. Chapman as to Universal Mowtown Records Group, Joseph Cartagena. (ecav,) (Entered: 04/13/2007) |
| 04/17/2007 | 38 | (Court only) Suspense due by 5/11/2007. (check on status of my letter to pro se plaintiff re. summons reissuance) (ccav,) (Entered: 04/17/2007) |
| 05/17/2007 | 39 | Response to the Clerk's letter of 4/17/07. Response provides a new address for service copies of summons for the defendants in this case, as outlined in said response. (ccav,) (Entered: 05/22/2007) |
| 05/22/2007 | 40 | Summons Reissued at request of Pro Se Plaintiff as to Universal Mowtown Records Group, Joseph Cartagena, Registered Agent, with Magistrate Consent and Judges' information, and delivered to U.S. Marshal for service. (ecav,) (Entered: 05/22/2007) |
| 05/25/2007 | 41 | (Court only) ***Deadlines terminated. (jcow,) (Entered: 05/25/2007) |
| 07/02/2007 | 42 | 2nd Summons Returned Unexecuted by Christopher S. Chapman as to Universal Mowtown Records Group, Joseph Cartagena. (ecav,) (Entered: 07/03/2007) |
| 07/06/2007 | 43 | NOTICE of Appearance by Duncan Glover Byers on behalf of Christopher S. Chapman. (ecav,) (Entered: 07/09/2007) |
| 07/13/2007 | 44 | MOTION for Extension of Time, by Christopher S. Chapman, with proposed order attached. (ecav,) Modified on 7/18/2007 to include proposed order language (ccav,). (Entered: 07/16/2007) |
| 07/19/2007 | 45 | ORDER on Plaintiff's 8 Motion for Extension of Time. It is ADJUDGED, ORDERED AND DECREED that Plaintiff shall have an extension of time to effect service of process on Defendants in this matter, said time to be extended to 60 days from the date of entry of this Order. Signed by Judge Jerome B. Friedman on 7/19/07 and filed 7/19/07. Copy mailed 7/20/07. (ecav,) (Entered: 07/20/2007) |

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| 07/20/2007 | <u>3</u> | (Court only) Suspense due by 9/18/2007. (plaintiff to effect service of process on defendants per Order of 7/19/07) (ecav,) (Entered: 07/20/2007) |
| 07/20/2007 | <u>3</u> | (Court only) Suspense 9/19/2007 (plaintiff to effect service of process on defendants per Order of 7/19/07). (ecav,) (Entered: 09/18/2007) |
| 09/04/2007 | <u>3</u> | Summons Reissued as to Universal Music Group Distribution Corp. (3rd) at request of Counsel Byers, with Magistrate's Notice with judge's information delivered. (ecav,) Modified on 9/17/2007 to indicated that summons request was only for Universal and not Joseph Cartagena(ecav,). (Entered: 09/04/2007) |
| 09/14/2007 | <u>10</u> | SUMMONS Returned Executed. Universal Mowtown Records Group (registered agent) served on 9/6/2007. (ecav,) (Entered: 09/17/2007) |
| 09/17/2007 | <u>3</u> | (Court only) Suspense 9/26/2007 (answer from Universal). (ecav,) (Entered: 09/17/2007) |
| 09/18/2007 | <u>3</u> | Summons Reissued as to Joseph Cartagena (3rd) at the request of Counsel Byers, with Magistrate's Notice with judge's information delivered. (ecav,) (Entered: 09/18/2007) |
| 09/18/2007 | <u>3</u> | (Court only) ***Deadlines terminated. (ecav,) (Entered: 09/18/2007) |
| 09/26/2007 | <u>11</u> | NOTICE of Appearance by Amy Lynn Tenney on behalf of Universal Mowtown Records Group. (ecav,) (Entered: 10/01/2007) |
| 09/26/2007 | <u>12</u> | Financial Interest Disclosure Statement (Local Rule 7.1) by Universal Mowtown Records Group. (ecav,) (Entered: 10/01/2007) |
| 09/26/2007 | <u>13</u> | MOTION to Dismiss, or in the Alternative, to Transfer Venue, by Universal Mowtown Records Group. (ecav,) (Entered: 10/01/2007) |
| 09/26/2007 | <u>14</u> | Memorandum in Support of 13 MOTION to Dismiss, with attached Declaration (original) of Jerry Juste, by Universal Mowtown Records Group, received. (ecav,) (Entered: 10/01/2007) |
| 10/01/2007 | <u>3</u> | (Court only) ***Staff notes: Called Counsel Byers to get status of service (3rd service package) on Defendant Joseph Cartagena. He indicated that he mailed the clerk the original summons that was served on Defendant Cartagena on 9/28/07, which we should be receiving soon. (ecav,) (Entered: 10/01/2007) |
| 10/02/2007 | <u>15</u> | AFFIDAVIT of Service for service of summons and complaint on 9/21/07 upon Joseph Cartagena p/k/a "Fat Joe" and "Terror Squad" c/o Terror Squad Productions, Inc., Thomas I. Mandelbaum, Esq., attorney for defendants, at place of business. (ecav,) (Entered: 10/05/2007) |
| 10/05/2007 | <u>3</u> | (Court only) ***Deadlines terminated. (ecav,) (Entered: 10/05/2007) |
| 10/05/2007 | <u>3</u> | (Court only) Suspense 10/10/2007. (response to Motion #13) (ecav,) (Entered: 10/05/2007) |
| 10/05/2007 | <u>3</u> | (Court only) ***Deadlines terminated. (ecav,) (Entered: 10/05/2007) |
| 10/05/2007 | <u>3</u> | (Court only) Suspense 10/12/2007. (answer from dft. Cartagena) (ecav,) (Entered: 10/05/2007) |
| 10/05/2007 | <u>17</u> | Document entitled, "Unopposed MOTION for Leave to File an Amended Declaration in Support of Its Motion to Dismiss, or in the Alternative to Transfer Venue", with proposed Order attached, by Universal Mowtown Records Group. (ecav,) Modified on 10/11/2007 to include "proposed" order (ecav,). (Entered: 10/11/2007) |

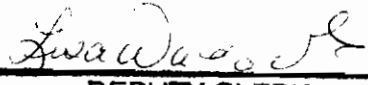
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| 10/05/2007 | 18 | AMENDMENT to Declaration of Jerry Juste (original) re 14 Memorandum in Support (filed on 9/26/07), by Universal Mowtown Records Group. (ecav,) (Entered: 10/11/2007) |
| 10/05/2007 | 19 | (Court only) Suspense 10/10/2007. (response to Motion #13) (ecav,) (Entered: 10/11/2007) |
| 10/09/2007 | 16 | Memorandum in Opposition re 13 MOTION to Dismiss filed by Christopher S. Chapman. (Attachments: # Exhibit Exhibit Page 1# Exhibit Exhibits page 2# Exhibit Exhibits page 3# Exhibit Exhibits page 4# Exhibit Exhibits page 5# Exhibit Exhibits page 6# Exhibit Exhibits page 7# Exhibit Exhibits page 8# Exhibit Exhibits page 9# Exhibit Exhibits page 10# Exhibit Exhibits page 11# Exhibit Exhibits page 12# Exhibit Exhibits page 13)(Byers, Duncan) (Entered: 10/09/2007) |
| 10/10/2007 | 20 | Notice of Correction re 16 Memorandum in Opposition. The document was electronically filed in a paper case. The filing user was notified to file an original paper document with the clerks office, and the document has been removed from the docket sheet. (ecav,) (Entered: 10/10/2007) |
| 10/10/2007 | 19 | NOTICE of Appearance by William Edgar Copley on behalf of Joseph Cartagena. (ecav,) (Entered: 10/11/2007) |
| 10/10/2007 | 20 | Document entitled, "Notice of MOTION to Dismiss", by Joseph Cartagena. (ccav,) (Entered: 10/11/2007) |
| 10/10/2007 | 21 | Memorandum in Support re 20 MOTION to Dismiss, by Joseph Cartagena, received. (ecav,) (Entered: 10/11/2007) |
| 10/10/2007 | 22 | Memorandum in Opposition re 13 MOTION to Dismiss, or in the Alternative to Transfer Venue, by Christopher S. Chapman, received. (ecav,) (Entered: 10/11/2007) |
| 10/11/2007 | 23 | (Court only) Suspense 10/19/2007.(response to Doc. #17) (ecav,) (Entered: 10/11/2007) |
| 10/11/2007 | 24 | (Court only) Suspense 10/24/2007. (response to Doc. #20) (ecav,) (Entered: 10/11/2007) |
| 10/11/2007 | 25 | (Court only) Suspense 10/15/2007. (for reply to response #22 re. Motion #13 from Universal only) (ccav,) (Entered: 10/11/2007) |
| 10/11/2007 | 26 | (Court only) ***Deadlines terminated. (ecav,) (Entered: 10/11/2007) |
| 10/11/2007 | 27 | (Court only) ***Staff notes: Called Counsel Byers - need a new certificate of service for Doc. #22 to include Counsel Copley now that he has made an appearance in the case. (ecav,) (Entered: 10/11/2007) |
| 10/18/2007 | 23 | Defendant Universal Motown Records Group's REPLY Brief in Support of It's 13 MOTION to Dismiss or, in the Alternative, to Transfer Venue, by Universal Mowtown Records Group, received. (ecav,) (Entered: 10/22/2007) |
| 10/22/2007 | 28 | (Court only) ***Deadlines terminated. (ecav,) (Entered: 10/22/2007) |
| 10/22/2007 | 29 | MOTIONS REFERRED: 13 MOTION to Dismiss, 17 MOTION for Leave to File REFERRED to Judge Jerome B. Friedman. (ecav,) (Entered: 10/22/2007) |
| 10/22/2007 | 30 | (Court only) ***Dcadlines terminated. (ecav,) (Entered: 10/22/2007) |
| 10/24/2007 | 24 | ORDER re Defendant Universal Mowtown Records Group 13 MOTION to Dismiss, or in the Alternative, to Transfer Venue, which has been fully briefed. Pursuant to 28 U.S.C., Section 636(b)(1)(B), it is ORDERED that U.S. Magistrate Judge Tommy E. |

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| | | Miller is designated to conduct hearings, including evidentiary hearings, if necessary, and to submit to a U.S. District Judge proposed findings of fact, if applicable, and recommendations for the disposition by the U.S. District Judge of this motion to dismiss. Within ten (10) days after being served with a copy of the Magistrate Judge's report, any party may serve and file written objections to such proposed findings and recommendations. Signed by Judge Jerome B. Friedman on 10/24/07 and filed 10/24/07. Copies mailed 10/25/07 and copies provided to Magistrate Judge, courtroom deputies. (ecav,) (Entered: 10/25/2007) |
| 10/24/2007 | 25 | Memorandum in Opposition to Defendant Joseph Cartagena's P/K/A "Fat Joe" and "Terror Squad"'s 20 MOTION to Dismiss, by Christopher S. Chapman, received. (ecav,) (Entered: 10/25/2007) |
| 10/24/2007 | 26 | MOTION for Stay of Proceedings, by Christopher S. Chapman. (ecav,) (Entered: 10/25/2007) |
| 10/24/2007 | 27 | Memorandum in Support of 26 MOTION to Stay, by Christopher S. Chapman, received. (ecav,) (Entered: 10/25/2007) |
| 10/24/2007 | 28 | MOTION for Extension of Time to Serve Process on Defendant Joseph Cartagena P/K/A "Fat Joe" and "Terror Squad", by Christopher S. Chapman. (ecav,) (Entered: 10/25/2007) |
| 10/25/2007 | | (Court only) ***Deadlines terminated. (ecav,) (Entered: 10/25/2007) |
| 10/25/2007 | | (Court only) Suspense 11/1/2007. (reply to response #25 re. Motion #20) (ecav,) (Entered: 10/25/2007) |
| 10/25/2007 | | (Court only) Suspense 11/7/2007. (response to Motion #26) (ecav,) (Entered: 10/25/2007) |
| 10/25/2007 | | (Court only) Suspense 11/7/2007. (response to Motion #28) (ecav,) (Entered: 10/25/2007) |
| 11/01/2007 | 29 | REPLY to Response to Motion re 20 MOTION to Dismiss filed by Joseph Cartagena, received. (vwar,) (Entered: 11/02/2007) |
| 11/01/2007 | 30 | Memorandum in Opposition re 28 MOTION for Extension filed by Joseph Cartagena, received. (vwar,) (Entered: 11/02/2007) |
| 11/01/2007 | | (Court only) ***Deadlines terminated. (vwar,) (Entered: 11/02/2007) |
| 11/02/2007 | 31 | RESPONSE to Motion re 26 MOTION to Stay filed by Universal Mowtown Records Group, received. (vwar,) (Entered: 11/02/2007) |
| 11/02/2007 | | (Court only) ***Deadlines terminated. (vwar,) (Entered: 11/02/2007) |
| 11/06/2007 | | MOTION REFERRED: 20 MOTION to Dismiss REFERRED to Judge Jerome B. Friedman. (jcow,) (Entered: 11/06/2007) |
| 11/06/2007 | | Refer for 16(b) (jcow,) (Entered: 11/06/2007) |
| 11/06/2007 | | (Court only) Suspense, reply to response to motion 28, motion for extension due by 11/9/2007. (jcow,) (Entered: 11/06/2007) |
| 11/06/2007 | | (Court only) Suspense number 1, reply to response to motion (26) to stay due by 11/16/2007. (jcow,) (Entered: 11/06/2007) |
| 11/06/2007 | | (Court only) ***Deadlines terminated. (jcow,) (Entered: 11/06/2007) |

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| 11/13/2007 | 3 | (Court only) ***Deadlines terminated. (jcow,) (Entered: 11/13/2007) |
| 11/13/2007 | 3 | MOTION REFERRED: 28 MOTION for Extension of time to serve process REFERRED to Judge Jerome B. Friedman. (jcow,) (Entered: 11/13/2007) |
| 11/13/2007 | 32 | RULE 26(f) SCHEDULING ORDER: Initial Pretrial Conference set for 12/4/2007 at 09:00 AM. Signed by Judge Tommy E. Miller and filed on 11/13/07, Copies mailed: 11/13/07. (vwar,) (Entered: 11/14/2007) |
| 11/15/2007 | 33 | ORDER setting aside the 32 Pretrial Order filed 11/13/07 pending disposition of several motions filed in this case; and advising that the court will dispense with oral argument on the pending motions as the facts are adequately presented in the materials before the court. Signed by Judge Tommy E. Miller on 11/14/07, filed 11/15/07, Copies mailed: 11/15/07. (vwar,) (Entered: 11/15/2007) |
| 11/15/2007 | 34 | ORDER referring 20 MOTION to Dismiss filed by Joseph Cartagena, 26 MOTION to Stay filed by Christopher S. Chapman, to U.S. Magistrate Judge Miller to conduct hearings, including evidentiary hearings, if necessary, and to submit proposed findings and recommendations to a U.S. District Judge for disposition of these motions. Signed by Judge Jerome B. Friedman and filed on 11/15/07, Copies mailed: 11/15/07. (vwar,) (Entered: 11/15/2007) |
| 11/16/2007 | 3 | (Court only) ***Deadlines terminated. (vwar,) (Entered: 11/16/2007) |
| 12/04/2007 | 3 | (Court only) ***Deadlines terminated. (jcow,) (Entered: 12/04/2007) |
| 01/07/2008 | 35 | ORDER that Universal Motown and Joseph Cartagena may file a response to plaintiff's arguments regarding transfer to the Southern District of New York within fifteen (15) days of the date of this order. Signed by Judge Tommy E. Miller and filed on 1/7/08. Copies mailed to all counsel 1/7/08.(lwoo) (Entered: 01/07/2008) |
| 01/07/2008 | 3 | (Court only) Suspense to 1/22/2008 for response of Universal and Cartagena to plaintiff's argument. (lwoo) (Entered: 01/07/2008) |
| 01/17/2008 | 36 | NOTICE of Appearance by William Edgar Copley on behalf of Universal Mowtown Records Group (vwar,) (Entered: 01/22/2008) |
| 01/18/2008 | 37 | MOTION to Withdraw as Attorney by Universal Mowtown Records Group (Proposed Order attached). (vwar,) (Entered: 01/22/2008) |
| 01/22/2008 | 38 | Response in Further Support to 13 MOTION in the alternative to Transfer Venue filed by Universal Mowtown Records Group, Joseph Cartagena, received. (vwar,) (Entered: 01/23/2008) |
| 01/24/2008 | 3 | (Court only) ***Deadlines terminated. (vwar,) (Entered: 01/24/2008) |
| 01/25/2008 | 39 | ORDER granting 37 Motion to Withdraw as Attorney. Attorney Amy Lynn Tenney terminated. Signed by Judge Jerome B. Friedman and filed on 1/25/08, Copies mailed: 1/25/08. (vwar,) (Entered: 01/25/2008) |
| 01/31/2008 | 40 | REPORT AND RECOMMENDATIONS re 20 MOTION to Dismiss filed by Joseph Cartagena, 3 Complaint filed by Christopher S. Chapman, 28 MOTION for Extension filed by Christopher S. Chapman, 13 MOTION to Dismiss filed by Universal Motown Records Group. Signed by Judge Tommy E. Miller and filed on 1/31/08. Copies mailed 1/31/08.(lwoo) (Entered: 01/31/2008) |
| 01/31/2008 | 3 | (Court only) Suspense to 2/19/2008 for objections to R & R. (lwoo) (Entered: 01/31/2008) |

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| 02/13/2008 | 41 | Objection to 40 REPORT AND RECOMMENDATIONS filed by Christopher S. Chapman. (lwoo) (Entered: 02/14/2008) |
| 02/13/2008 | 3 | (Court only) Suspense to 2/29/2008 for reply to objection. (lwoo) (Entered: 02/14/2008) |
| 02/14/2008 | 3 | (Court only) ***Deadlines terminated. (lwoo) (Entered: 02/14/2008) |
| 03/03/2008 | 42 | Response to 41 Objection filed by Universal Motown Records Group, Joseph Cartagena. (vwar,) (Entered: 03/03/2008) |
| 03/03/2008 | 3 | (Court only) ***Deadlines terminated. (vwar,) (Entered: 03/03/2008) |
| 03/27/2008 | 43 | ORDER and OPINION Granting Cartagena's 20 Motion to Dismiss; denying Plaintiff's 28 Motion for Extension of Time to File; granting motion to transfer and denying Universal's 13 Motion to Dismiss. Cartagena is dismissed as a Defendant without prejudice. This case is transferred to US District Court, Southern District of New York entire case file transferred to Southern District of New York with a certified copy of transfer order and docket entries. Therefore the report and recommendation is accepted in its entirety. Signed by District Judge Jerome B. Friedman and filed on 3/27/08. OB. Copies mailed 3/27/08. (lwoo) Modified on 3/27/2008 to include OB (lwoo). (Entered: 03/27/2008) |

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT
 BY 
DEPUTY CLERK